

From: Ian Walters
To: Microsoft ATR
Date: 1/17/02 11:30am
Subject: DOJ - Microsoft proposed settlement

Attached please find a letter to Attorney General Ashcroft for filing with the court, in support of the Microsoft settlement.



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Attorney General John Ashcroft
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530-0001

January 16, 2002

Dear General Ashcroft:

ACU has, in the past, repeatedly requested that the Department of Justice and Microsoft settle their ongoing federal litigation. We were, therefore, very encouraged to learn that a proposed settlement has been reached and after reviewing its terms, we believe it to be in the public's best interest.

It is clear that the benefits of settlement far outweigh any potential benefits that could be realized through continued litigation. In general, the settlement of this case would allow Department of Justice resources to be redirected to other law enforcement needs—to include antitrust enforcement—and would bring certainty to the computer technology industry, its economic markets, competition and employment.

A review of the settlement itself shows that it contains provisions that penalize Microsoft for past conduct, regulate its future conduct, and provide for enforcement of the settlement. The enforcement mechanism provides that any person can notify the Department of Justice, the States, the Technology Committee, or the Compliance Officer of information indicating a violation of any provision of the settlement. Furthermore, the settlement establishes a Technology Committee comprised of three computer experts that have access to and can inspect Microsoft documents and personnel for the purpose of insuring compliance with the settlement.

If the Committee finds evidence of a violation, it is obligated to immediately inform the Plaintiffs who, in turn, can seek compliance through the courts. In addition, the settlement requires Microsoft to appoint an Internal Compliance Officer whose duties include educating Microsoft employees on the settlement provisions and their responsibility to adhere to the settlement's provisions.

As Charles James, head of the Justice Department's Antitrust Division testified: "[t]he proposed decree contains some of the most stringent enforcement provisions ever contained in any modern consent decree."

Accordingly, we ask that you provide this letter to the Federal District Court in support of the revised proposed final judgement that settles the antitrust claims brought against Microsoft.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Keene", with a stylized flourish at the end.

David A. Keene
Chairman